**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929**

**WP(C).No. 15105 of 2007(W)**
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**OS.347/2005 of PRL.M.C., KOTTAYAM**
**.....**

**PETITIONERS:**
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1. **P.M.LALITHAMBIKA, W/O.M.K.VIJAYAKUMAR,**
   **MUDIYIL HOUSE, KANJIRAM P.O., KOTTAYAM-686 030.**

2. **M.K.VIJAYAKUMAR, S/O.KESAVAN NAIR,**
   **MUDIYIL HOUSE, KANJIRAM P.O., KOTTAYAM-686 030.**

3. **VIJESHKUMAR, S/O.M.K.VIJAYAKUMAR,**
   **MUDIYIL HOUSE, KANJIRAM P.O., KOTTAYAM-686 030.**

**BY ADV. SRI.MATHEW PHILIP EDAPPALLIL**

**RESPONDENT:**
**----------**

**JOYMON.J., S/O.JAMES,**
**VAKAYIL HOUSE, LAKKADOOR P.O.,**
**KOOROPPADA, KOTTAYAM-686 502.**

**BY ADV. SRI.P.SANJAY**
**SRI.JINU JOSEPH**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 31/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**WPC.NO.15105/2007 W**

**APPENDIX**

**PETITIONER'S EXHIBITS:**

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|---|---|
| **EXT.P1:** | **COPY OF PLAINT IN O.S.347/05 BEFORE MUNSIFF'S COURT, KOTTAYAM.** |
| **EXT.P2:** | **COPY OF THE WRITTEN STATEMENT IN O.S.347/2005 BEFORE MUNSIFF COURT, KOTTAYAM.** |
| **EXT.P3:** | **COPY OF THE AFFIDAVIT TO SETASIDE EXPARTE DECREE.** |
| **EXT.P4:** | **COPY OF I.A.441/07 TO REVIEW THE ORDER DISMISSING EXT.P3.** |
| **EXT.P5:** | **COPY OF E.P.NO.188/06 IN O.S.347/05 FILED BEFORE THE MUNSIFF COURT, KOTTAYAM.** |
| **EXT.P6:** | **COPY OF E.A.NO.346/06 IN E.P.NO.188/06 IN O.S.NO.347/05 BEFORE THE MUNSIFF COURT, KOTTAYAM.** |
| **EXT.P7:** | **COPY OF THE ORDER IN E.A.NO.346/2006 IN E.P.NO.188/06 IN O.S.NO.347/2005 DTD. 2ND APRIL, 2007 OF THE PRL.MUNSIFF COURT, KOTTAYAM.** |
| **EXT.P8:** | **COPY OF JUDGMENT IN O.S.347/05 BEFORE MUNSIFF COURT, KOTTAYAM.** |
| **EXT.P9:** | **COPY OF COURT ORDER GRANTING LWA TO THE FIRST PETITIONER.** |
| **EXT.P10:** | **COPY OF THE DISCHARGE SUMMARY ISSUED TO VIJIMON KURIVILLA.** |
| **EXT.P11:** | **COPY OF THE POWER OF ATTORNEY DTD. 22/02/2005.** |
| **EXT.P12:** | **COPY OF THE SALE DEED NO.1025/05 DTD. 14/03/2005.** |

**/TRUE COPY/**

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**M.N. KRISHNAN, J.**

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**W.P.(C) No.15105 OF 2007 W**
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**Dated this the 31st May, 2007**

**J U D G M E N T**

This writ petition is filed seeking to quash Ext. P7 order and consequent orders and to allow Ext. P6 application for stay. When the matter came up for admission this Court ordered interim stay for a period of two weeks. The other side has also entered appearance. There was an ex parte decree passed against the writ petitioner and he moved the trial court for setting aside the ex parte decree after condoning the delay. They were dismissed. Against that decision a review petition was filed before the same court and I am informed that it is pending consideration by that court on 15-6-2007. It is for that court to consider it and dispose of the same on merits after hearing both sides. So, in order to preserve the status quo I dispose of the writ petition as follows:

1. The court below is directed to dispose of the petition before it at the earliest and as expeditiously as possible.

2. The delivery of the property shall stand deferred till 30-6-2007 and in case the trial court is not able to pronounce the order, the parties may move that court for an interim arrangement for deferring delivery.

**M.N. KRISHNAN**
**JUDGE**

jan/